

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

NOV - 4 2015

Mr. Robert Silvas
22 Wayside
San Antonio, TX 78213

RE: Response to Freedom of Information Request: EPA-HQ-2015-009514

Dear Mr. Silvas:

This letter responds to your above referenced Freedom of Information Act (FOIA) request for an un-redacted set of documents previously provided to you in redacted format. The documents you have requested were created in connection with an investigation involving the alleged illegal disposal of pesticides at 2103 Ackerman Road, San Antonio, Texas. After considering this request and after a further review of the documents in question, I am denying your request under FOIA exemptions 7(C) and 7(D) as cited in the enclosed May 11, 2005 letter from the Office of General Counsel, which upheld those redactions. EPA's criminal enforcement program has a continuing obligation to protect the privacy of witnesses, and the identity of confidential sources, who have been interviewed or otherwise involved in a criminal investigation. However, we are providing you the case number which was previously redacted under exemption 2 (please see upper right hand corner of first page of each Investigative Activity Report) because the scope of that exemption has changed since the Supreme Court decision in *Milner v. Department of the Navy*, 131 S. Ct. 1259 (2011).

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by e-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

Should you have additional questions regarding this response, please contact Thomas J. Seaton of my staff via e-mail at seaton.tom@epa.gov or by telephone at (202) 564-2544.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Seaton" followed by a stylized flourish.

Michael R. Fisher, Director
Legal Counsel Division
Office of Criminal Enforcement,
Forensics & Training

Enclosure

cc: National Freedom of Information Officer
FOIA and Privacy Branch (2822T)